

TEXT OF PROPOSED REGULATIONS

In the following, underline indicates additional text and ~~strikethrough~~ indicates deleted text.

Title 15. Crime Prevention and Corrections

Division 3. Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

SUBCHAPTER 6. PAROLE

Reserved Article 13 is now adopted.

Article 13. Registration (~~Reserved~~)

Reserved section 3650 title is adopted; new text for section 3650 is adopted to read:

3650. Registration Notification. (~~Reserved~~)

An inmate/parolee required to register pursuant to Penal Code sections 186.30, 290, 457.1 or Health and Safety Code section 11590, shall be notified of the requirement to register pursuant to the procedures specified in section 3075.2.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 186.30, 290, 457.1 and 5054, Penal Code; Section 11590, Health and Safety Code.

Reserved section 3651 title is adopted and amended; new text for section 3651 is adopted to read:

3651. Penal Code Section 186.30 Registrants (Gang Offenders). (~~Reserved~~)

(a) Any inmate/parolee who is ordered by the court to register pursuant to Penal Code (PC) section 186.30 and whose commitment documents reflect such registration requirement, shall register with the chief of police of the city in which he or she resides, or the sheriff of the county if he or she resides in an unincorporated area, within 10 days of release from custody or within 10 days of his or her arrival in any city, county, or city and county to reside, whichever comes first.

(b) The registration required by PC section 186.30 shall consist of the following:

(1) The parolee shall appear at the law enforcement agency.

(2) The law enforcement agency shall serve the parolee with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the parolee belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in PC section 186.22(e).

(3) The parolee shall submit a written statement, signed by the parolee, giving any information that may be required by the law enforcement agency.

(4) The parolee shall submit his or her fingerprints and a current photograph to the law enforcement agency.

(c) Within 10 days of changing his or her residence address, any person subject to PC section 186.30 shall inform, in writing, the law enforcement agency with whom he or she last registered his or her new address. If his or her new residence address is located within the jurisdiction of a law enforcement agency other than the agency where he or she last registered, he or she shall register with the new law enforcement agency, in writing, within 10 days of the change of residence.

(d) Any parolee required to register pursuant to PC section 186.30 who knowingly violates any of its provisions is guilty of a misdemeanor.

(e) Any person who knowingly fails to register pursuant to PC section 186.30 and is subsequently convicted of, or any person for whom a petition is subsequently sustained for a violation of, any of the offenses specified in PC section 186.30, shall be punished by an additional term of imprisonment in the state prison.

(f) The registration requirement shall terminate five years after the last imposition of a registration requirement pursuant to PC section 186.30.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 186.22 through 186.30 and 5054, Penal Code.

Reserved section 3652 title is adopted and amended; new text for section 3652 is adopted to read:

3652. Penal Code Section 290 Registrants (Sex Offenders). ~~(Reserved)~~

(a) Any inmate/parolee who is required to register pursuant to Penal Code (PC) section 290 et seq. shall be required to register with the Chief of Police of the city in which he or she is residing, or the Sheriff of the county if he or she is residing in an unincorporated area or city that has no police department. The inmate/parolee shall also be required to register with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides.

(1) If the person who is registering has more than one residence address at which he or she regularly resides, he or she shall register in each of the jurisdictions in which he or she regularly resides, regardless of the number of days or nights spent there. If all of the addresses are within the same jurisdiction, the parolee shall provide the registering authority with all of the addresses where he or she regularly resides.

(2) Beginning on his or her first birthday following registration or change of address, the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the law enforcement agency having jurisdiction over the place in which they are physically present on that date. At the annual update, a sex offender registrant shall provide current information as required by the Department of Justice annual update forms and PC section 290.

(3) The registration requirement shall be for life.

(b) Sexually Violent Predators.

(1) Every person who has been adjudicated a sexually violent predator as defined in section 6600 of the Welfare and Institutions Code, shall after his or her release from custody, verify his or her address no less than once every 90 days and place of employment, including the name and address of the employer.

(2) Any person who has ever been adjudicated a sexually violent predator, and who fails to verify his or her registration every 90 days as required pursuant to PC section 290, shall be punished by imprisonment in the state prison, or in the county jail not to exceed one year.

(c) For the purpose of this section, the following terms are defined:

(1) Transient means a person who has no residence.

(2) Residence means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

(d) Transients. A transient must register, or re-register if the person has previously registered, within five working days from release from incarceration, placement or commitment, or release on probation pursuant to PC section 290(b) except that if the person previously registered as a transient less than 30 days from the date of his or her release from incarceration, he or she does not need to re-register as a transient until his or her next required 30-day update of registration.

(1) If a transient is not physically present in any one jurisdiction for five consecutive working days, he or she must register in the jurisdiction in which he or she is physically present on the fifth working day following release.

(2) Beginning on or before the 30th day following initial registration upon release, a transient must re-register no less than once every 30 days thereafter.

(3) A transient shall register with the chief of police of the city in which he or she is physically present within that 30-day period, or the Sheriff of the county if he or she is physically present in an unincorporated area of city that has no police department, and additionally, with the Chief of Police of a campus of the University of California, the California State University, or community college if he or she is physically upon the campus or in any of its facilities.

(4) A transient must re-register no less than once every 30 days regardless of the length of time he or she has been physically present in the particular jurisdiction in which he or she re-registers.

(5) If a transient fails to re-register within any 30-day period, he or she may be prosecuted in any jurisdiction in which he or she is physically present.

(6) A transient who moves to a residence shall have five working days within which to register at that address.

(7) A person registered at a residence address in accordance with PC section 290, who becomes transient, shall have five working days within which to re-register as a transient.

(8) Beginning on his or her first birthday following registration, a transient shall register annually within five working days of his or her birthday, to update his or her registration with the law enforcement agency having jurisdiction over the place in which he or she is physically present on that date.

(9) At the 30-day updates and the annual update, a transient shall provide current information as required by the Department of Justice annual update forms, including the information required by PC section 290.

(10) A transient shall, upon registration and re-registration, provide current information as required on the Department of Justice registration forms, and shall also list the places where he or she sleeps, eats, works, frequents, and engages in leisure activities. If a transient changes or adds to the places listed on the form during the 30-day period, he or she does not need to report the new place or places until the next required registration.

(11) Failure to comply with the requirement of re-registering every 30 days following initial registration is guilty of a misdemeanor and shall be punished by imprisonment in a county jail at least 30 days, but not exceeding six months.

(e) Pursuant to PC section 290.85(a), every person released on parole who is required to register as a sex offender, pursuant to PC section 290, shall provide proof of registration to his or her parole agent within six working days of release on parole. The six-day period for providing proof of registration may be extended but only upon determination by the parole agent that unusual circumstances exist relating to the availability of local law enforcement registration capability that preclude that person's ability to meet the deadline.

(1) Every parolee who is required to register as a sex offender pursuant to PC section 290 shall provide proof of any change or update to his or her registration information to his or her parole agent within five working days for so long as they are on parole.

(2) A parole agent who supervises a parolee who is required to register as a sex offender pursuant to PC section 290 shall inform that parolee of his or her duties under this section not fewer than six days prior to the date on which proof of registration is to be provided to the parole agent.

(3) For the purpose of this section, proof of registration means a photocopy of the actual registration form.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 290.85, and 5054, Penal Code.

Reserved titled section 3652.1 is repealed.

~~3652.1. Residential Restrictions For Penal Code Section 290 Registrants. (Reserved)~~

Reserved section 3653 title is adopted and amended; new text for section 3653 is adopted to read:

3653. Penal Code Section 457.1 Registrants (Arson Offenders). ~~(Reserved)~~

(a) Pursuant to Penal Code (PC) Section 457.1, arson offenders sentenced pursuant to PC sections 451, 451.5 or 453, and attempted arson, which includes but is not limited to, a violation of subsection 455, shall, while residing in, or if the person has no residence, while located in California, be required to within 14 days of coming into or changing residence or location within any city, county, city and county, or campus wherein he or she temporarily resides, or if he or she has no residence, is located, shall:

(1) Register with the Chief of Police of the city where he or she is residing, or if the person has no residence, where he or she is located, or;

(2) Register with the Sheriff of the county where the person is residing, or if the person has no residence, where the person is located in an unincorporated area or city that has no police department.

(3) Register with the chief of police of a campus of the University of California, the California State University, or community college where he or she is residing, or if he or she has no residence, where he or she is located upon the campus or any of its facilities.

(b) Any offender who, on or after November 30, 1994, is convicted in any court in California of arson or attempted arson shall be required to register for the rest of his or her life.

(c) Any offender convicted of the offense of arson or attempted arson on or after January 1, 1985 through November 29, 1994, inclusive, in any court in California, shall be required to register for a period of five years commencing, in the case where he or she was confined for the offense, from the date of his or her release from confinement, or in the case where he or she was not confined for the offense, from the date of sentencing or discharge if he or she was ordered by the court at the time he or she was sentenced to register as an arson offender.

(d) Law enforcement agencies shall make registration information available to the chief fire official of a legally organized fire department or fire protection district having local jurisdiction where the person resides.

(e) If an arson offender required to register by PC section 457.1, changes his or her residence address, he or she shall inform, in writing, within 10 days, the law enforcement agency with whom he or she last registered his or her new address. The law enforcement agency shall, within three days after receipt of the information, electronically forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

(f) Any offender required to register under PC section 457.1 who violates any of the provisions is guilty of a misdemeanor.

(g) Any offender who has been convicted of arson or attempted arson and who is required to register under PC section 457.1, who willfully violates any provisions of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in a county jail.

(h) Whenever any person is released on parole and is required to register under this section but fails to do so within the time prescribed, the Board of Parole Hearings shall order the parole of that person revoked.

(i) A person required to register under PC section 457.1 may initiate a proceeding under Chapter 3.5, commencing with section 4852.01 of Title 6, Part 3, and upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under this section.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 451, 451.5, 453, 455, 457.1 and 5054, Penal Code.

Reserved section 3654 title is adopted and amended; new text for section 3654 is adopted to read:

3654. Health and Safety Code 11590 Registrants (Drug Offenders). ~~(Reserved)~~

(a) Any inmate/parolee who is ordered by the court to register pursuant to Health and Safety Code (H&S) section 11590, and whose commitment documents reflect such registration requirement, shall register with the Chief of Police of the city in which he or she resides, or the Sheriff of the county if he or she resides in an unincorporated area, within 30 days of release from custody or within 30 days of his or her arrival in any city, county, or city and county to reside, whichever comes first.

(b) If an inmate/parolee required to register by H&S section 11590, changes his or her residence address, he or she shall inform, in writing, within 10 days, the law enforcement agency with whom he or she last registered of his or her new address. The law enforcement agency shall, within three days after receipt of the information, forward it to the Department of Justice.

(c) The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

(d) The registration required by H&S section 11590 shall consist of the following:

(1) The parolee shall appear at the law enforcement agency.

(2) A written statement, signed by the parolee, giving any information that may be required by the Department of Justice.

(3) The fingerprints and current photograph of the parolee shall be submitted to the law enforcement agency.

(e) Any parolee required to register under the provisions of H&S section 11590 who knowingly violates any of its provisions is guilty of a misdemeanor.

(f) The registration requirement shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Sections 11590 and 11594, Health and Safety Code.